



# Public Notice

**Applicant:**

Marrano/Marc Equity  
Corporation

**Date:**

Published: November 17, 2004  
Expires: December 16, 2004

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

Buffalo District **CELRB-TD-R RE: 2004-01242(0)** **Section: NY 404**

**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, NY 14224, has applied for a Department of the Army permit to place approximately 0.678 acres of fill material in Federally regulated wetlands in order to construct a 83 to 86 unit residential housing development to be called the Woodstream Estates Subdivision. The project is located on a parcel of land measuring approximately 70 acres in size located west of Rogers Road and north of Southwestern Boulevard between Rogers Road and Berricks Creek in the Town of Hamburg, Erie County, New York.

The project consists of the following:

a. Approximately 0.678 acres of Federally jurisdictional wetlands in the vicinity of and connected to Berricks Creek will be filled to accommodate an access road to the proposed project site. The wetland boundaries have been field verified by U.S. Army Corps of Engineers personnel. The wetland associated with the access road is classified primarily as Palustrine emergent wetlands with some Palustrine scrub shrub. The fill would be confined to the area associated with the ingress and egress road to the site with the single access point to be made from Rogers Road.

b. As mitigation for the permanent impact to approximately 0.678 acres of wetlands on the project site, the applicant proposes to create approximately 1.01 acres of wetlands on site. The created wetlands would consist of the construction of a combination of wet meadow area (0.38 acres), emergent marsh (0.44 acres), and open water habitat (0.19 acres) in uplands adjacent to the existing wetland. The mitigation would involve the construction of three depressional basins adjacent to the existing wetland with each basin constructed at a progressively lower elevation. Each progressively lower basin will receive drainage from the upper elevations via a connecting swale. The last basin in the series will outlet to an existing roadside ditch that outlets into Berricks Creek.

Avoidance and minimization efforts made by the applicant for the proposed project include limiting the access point to one area in order to avoid crossing the wetland corridor twice and the avoidance of areas of uplands adjacent to Berricks Creek as buffer zone.

The applicants stated purpose is to construct a residential subdivision consisting of single family detached homes.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Lesta M. Ammons, who can be contacted by calling (716) 879-4247, or by e-mail at: Lesta.M.Ammons@LRB01.usace.army.mil

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Lesta M. Ammons, or by e-mail at: Lesta.M.Ammons@LRB01.usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

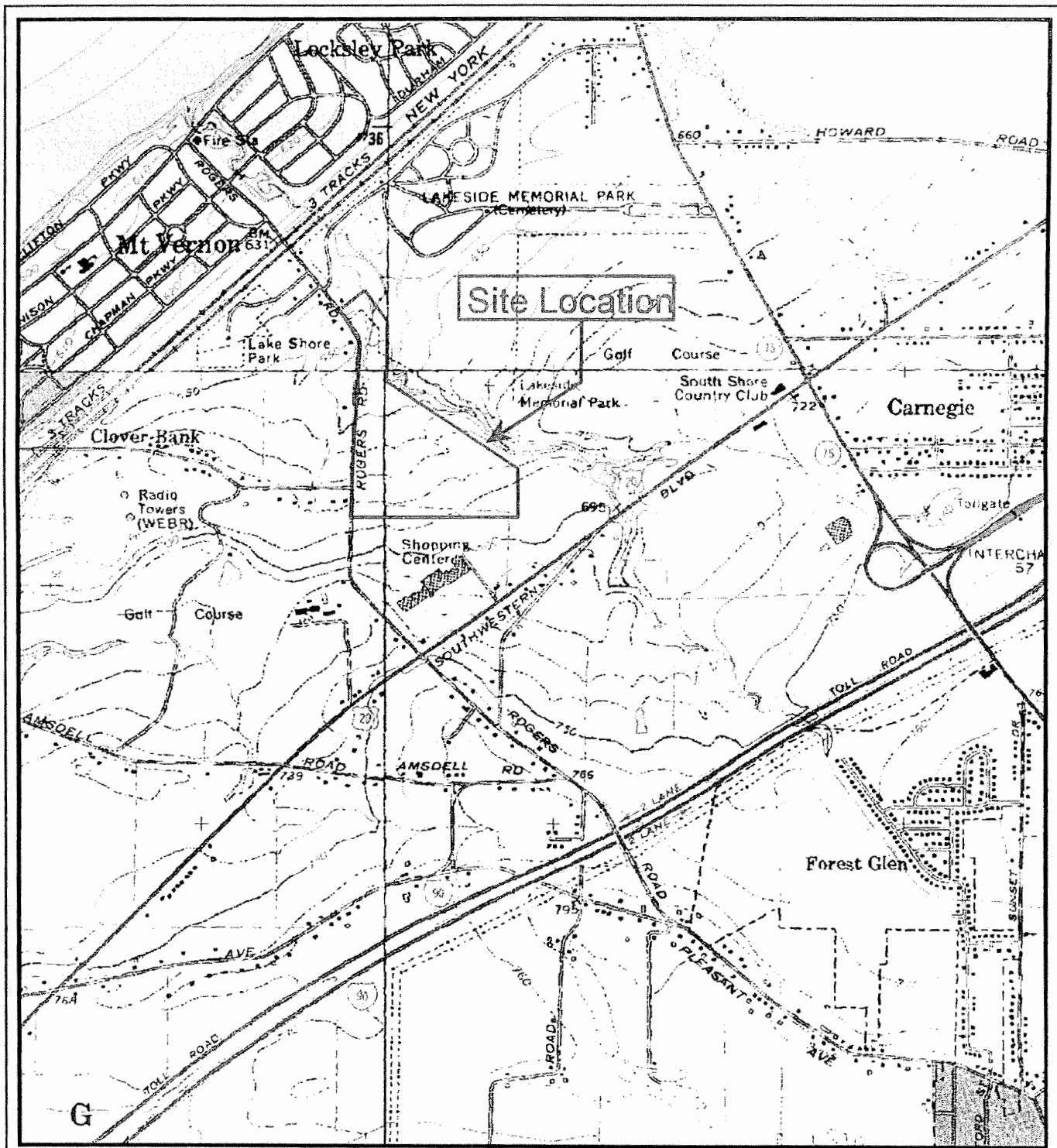
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

# SIGNED

Thomas C. Switala  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



**Figure 1.**  
USGS Quadrangle Map

Eden, Hamburg & Buffalo  
SE, NY Quadrangle  
Scale 1:24000

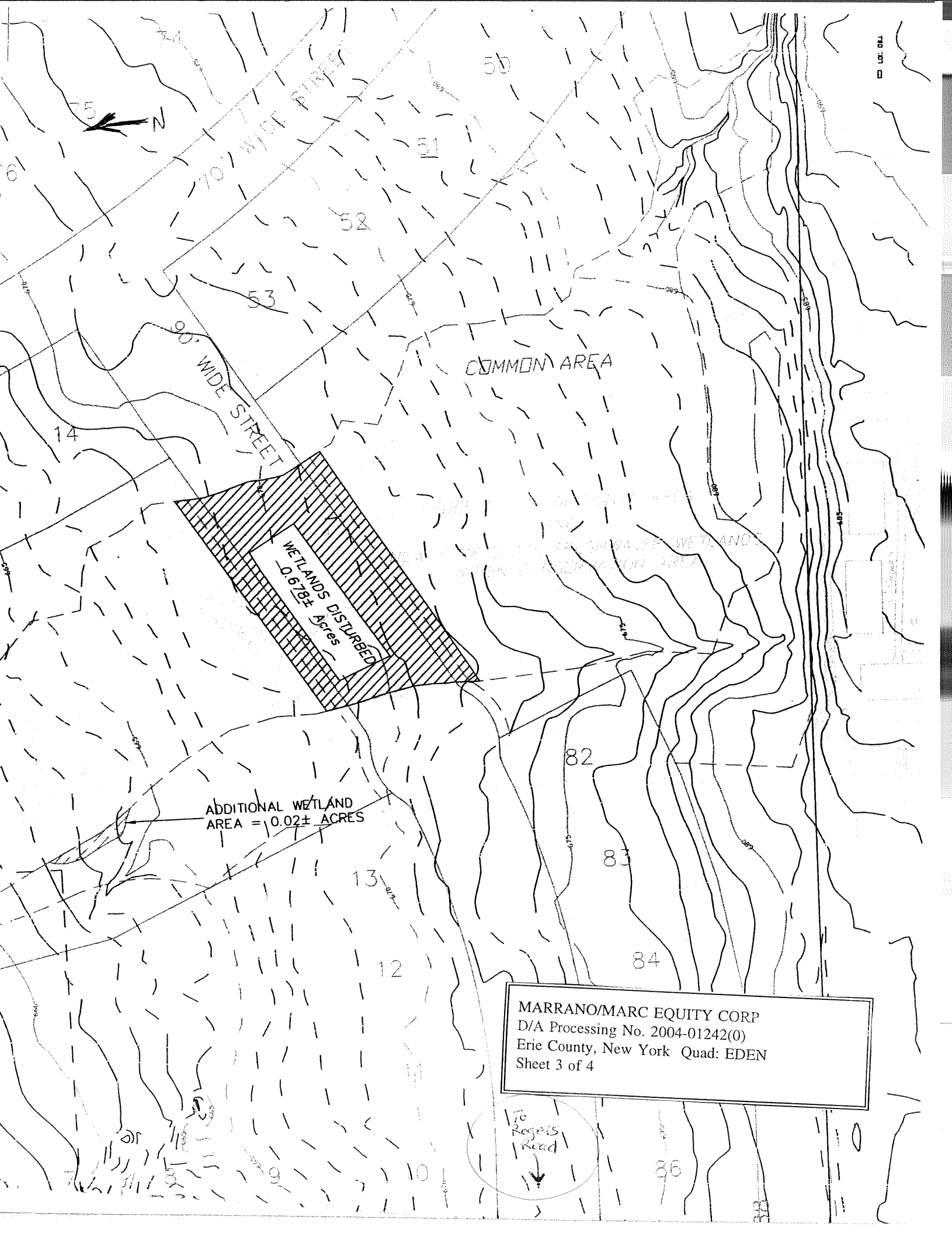


Marrano/Marc Equity Corp.  
Woodstream Estates  
Subdivision - Rogers Road

Town of Hamburg  
Erie County, New York

MARRANO/MARC EQUITY CORP  
D/A Processing No. 2004-01242(0)  
Erie County, New York Quad: EDEN  
Sheet 1 of 4





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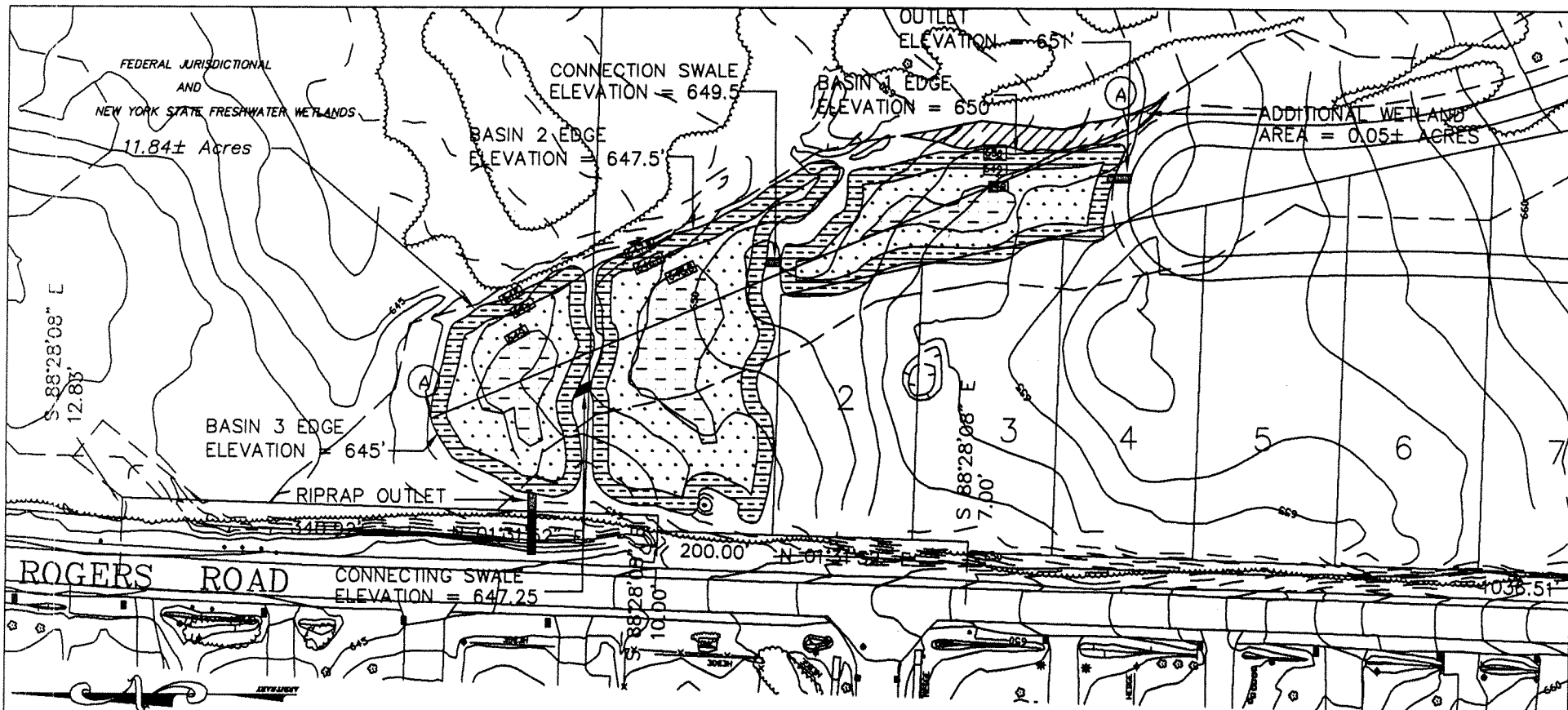
COMMON AREA

WETLANDS DISTURBED  
0.678± Acres

ADDITIONAL WETLAND  
AREA = 0.02± ACRES

MARRANO/MARC EQUITY CORP  
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To Rogers Road



MITIGATION PLAN  
**WOODSTREAM ESTATES SUBDIVISION**  
 TOWN OF HAMBURG, ERIE COUNTY, NEW YORK

**WETLANDS MITIGATION CONCEPT PLAN TOTAL  
 MITIGATION AREA = 1.01± ACRES**

Mitigation Plan design by Wilson Environmental Technologies, Inc.

WET MEADOW AREA =  
 0.38± ACRE.



EMERGENT MARSH =  
 0.44± ACRE.



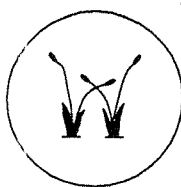
OPEN WATER MARSH  
 AREA = 0.19± ACRE.



EXISTING ELEVATION



SCALE = 1" = 100'



**Wilson Environmental Technologies, Inc**  
 2805 Wehrle Drive -- Suite 2 -- Williamsville, NY 14221  
 (716) 565-3000 Fax (716) 565-9994

JOB NO. 316.011.01

Date: 9/03

SHEET 2 OF 3  
 Revised 10/2004

MARRANO/MARC EQUITY CORP  
 D/A Processing No. 2004-01242(0)  
 Erie County, New York Quad: EDEN  
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